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a valuable consideration, gave to the plaintiff a promise in writing to pay the *lien*. The defendant only did voluntarily what he might have been compelled to do, and has suffered no injury.

LITTELL V. THE JULIUS LANSBURG CO.—Decided at Richmond, January 12, 1899.—*Harrison, J.*:

1. ATTACHMENTS—*Petitions—Rights of third parties—Case at bar.* A plaintiff in attachment, who has a deed of trust on the property attached, cannot unite with the trustees in the deed and come into the attachment suit by petition and ask to have the attached property delivered to the trustees. Sec. 2984 of the Code was intended for the protection of the rights of third parties and not of the plaintiff in the attachment. In the case at bar the plaintiff, though united with the trustees, was the real petitioner, and the attachment having been quashed because issued without sufficient cause and upon false suggestion, the property was rightly restored to the defendant.

KELLER V. STONE, REGISTRAR, AND WALKER V. STONE, REGISTRAR.—Decided at Richmond, January 26, 1899.—*Cardwell, J.*:

1. MANDAMUS—*Registration books—Copies.* Mandamus does not lie to compel the registrar of an election precinct to make copies of the registration books in his possession or to permit such copies to be made.

2. MANDAMUS—*Poll-books—Copies—Jurisdiction of Court of Appeals.* Mandamus does lie to compel a clerk who is the custodian of the poll-books after an election to permit a party interested to inspect them and to take therefrom at and within a reasonable time, in the presence of the clerk, memoranda and notes such as are proper to be made, as declared in *Gleaves v. Terry*, 93 Va. 491, and this court has jurisdiction to award such *mandamus*.

HARRIS V. JONES AND OTHERS, COMMISSIONERS.—Decided at Richmond, January 26, 1899.—*Harrison, J.* Absent, *Cardwell* and *Buchanan, JJ.*:

1. CHANCERY PRACTICE—*Decree for sale of land—Account of liens.* It is error to decree a sale of land to satisfy encumbrances thereon until an account has been taken of the encumbrances and their relative priorities. But if a decree of sale has been entered and thereafter a decree for an account of liens, the latter decree operates to suspend the sale until the account has been taken and confirmed.

2. CHANCERY PRACTICE—*Vacation decrees—Confirming report of liens—Hearing on merits.* A decree confirming a report of liens disposes of the cause on its merits and cannot be entered in vacation except by consent of parties, as provided in section 3427 of the Code.

SOUTHERN RAILWAY COMPANY V. FRANKLIN AND PITTSYLVANIA RAILROAD COMPANY.—Decided at Richmond, February 2, 1899.—*Riely, J.*:

1. CONTRACTS—*Implied covenants—Case in judgment—Railroads—Lease.* Although courts are careful in inferring covenants and promises not contained in written contracts, yet what is necessarily implied is as much a part of the instru-